

2005 Assembly Bill 868

Date of enactment: **May 10, 2006**
Date of publication*: **May 24, 2006**

2005 WISCONSIN ACT 390

AN ACT relating to: the conveyance of certain submerged lands to Brown County.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Nonstatutory provisions.

(1) GRANT. This state grants to Brown County all rights and title to, and interest in, the land described in subsection (2) to be held and used by Brown County for the purposes described in subsection (3) and subject to the conditions under subsection (4).

(2) DESCRIPTION. The land to which Brown County is granted all rights and title to, and interest in, is submerged land under the waters of Green Bay and dry land that exists or may be created within that area and that is described as part of Sections 1, 12, and 13, Town 24 North, Range 20 East and part of Sections 7 and 18, Town 24 North, Range 21 East more fully described as follows: commencing at the Northwest Corner of Section 1, Town 24 North, Range 20 East; thence N. 87 degrees 56 minutes 55 seconds E. 2639.62 feet along the north line of Section 1 to the North 1/4 corner; thence continuing N. 87 degrees 56 minutes 55 seconds E. 134.72 feet along the north line of Section 1 to the meander corner on the north line of Section 1; thence S. 16 degrees 02 minutes 35 seconds E. 2634.74 feet to the point of beginning; thence S. 87 degrees 20 minutes 46 seconds E. 220.39 feet; thence S. 26 degrees 44 minutes 12 seconds W. 903.25 feet; thence S. 00 degrees 31 minutes 29 seconds

W. 940.56 feet; thence S. 21 degrees 34 minutes 36 seconds E. 788.95 feet; thence S. 31 degrees 00 minutes 00 seconds E. 6035.27 feet; thence S. 89 degrees 59 minutes 59 seconds E. 1399.70 feet; thence S. 00 degrees 00 minutes 01 seconds E. 399.91 feet; thence S. 44 degrees 59 minutes 57 seconds W. 499.90 feet; thence S. 45 degrees 00 minutes 00 seconds E. 750.89 feet; thence S. 53 degrees 52 minutes 46 seconds E. 526.24 feet; thence S. 19 degrees 24 minutes 14 seconds W. 402.30 feet; thence S. 89 degrees 34 minutes 04 seconds W. 2695.72 feet; thence N. 42 degrees 51 minutes 26 seconds W. 2273.50 feet; thence N. 21 degrees 17 minutes 02 seconds W. 5167.96 feet; thence N. 59 degrees 00 minutes 00 seconds E. 1099.29 feet; thence N. 19 degrees 28 minutes 42 seconds W. 861.89 feet; thence N. 00 degrees 12 minutes 04 seconds E. 996.85 feet; thence N. 25 degrees 48 minutes 04 seconds E. 889.72 feet to the point of beginning.

(3) PURPOSES. Brown County may hold and use the land described in subsection (2) for the purposes of restoring the chain of islands that formerly existed in approximately this location and that were known as the Cat Island Chain, in order to have a place to deposit dredged materials from the navigation channel, to construct the islands and restore the function of the Cat Island Chain in protecting water quality in Green Bay, to restore the former terrestrial habitat and near-shore aquatic habitat of the Cat Island Chain, and to provide opportunities for public use.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(4) CONDITIONS.

(a) *Public access and use.* Brown County may restrict public access to, and public use of, the land granted under subsection (1) during the bird breeding and nesting season. Brown County is not required to provide facilities for public access to, and public use of, the land. Brown County may impose reasonable regulations on the use of the land in order to protect the public safety and welfare.

(b) *Design and construction.* Brown County shall cooperate with the department of natural resources in the development and implementation of plans for the construction of the Cat Island Chain to ensure that the purposes under subsection (3) are achieved and that the water quality in Green Bay is not adversely affected.

(c) *Structures.* Brown County may erect structures on the land granted under subsection (1) that are limited

to the following purposes:

1. Facilitating public use of, and access to, the land.
2. Construction and maintenance of aids to navigation.
3. Construction and maintenance of the Cat Island Chain.

(d) *Commercial use.* Brown County may not license or permit any private commercial use of the land granted under subsection (1).

(5) CONVEYANCE. Brown County may not convey all or any part of, any rights to, or any interest in, the land granted under subsection (1) to any person other than this state, a political subdivision of this state, or a special purpose district of this state. If Brown County conveys the land granted under subsection (1) as authorized under this subsection, the grantee shall comply with this SECTION.
